IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:24-CV-62-D

MILTON E. WASHINGTON,)
Plaintiff,	
v.	ORDER
COMEDY CLUB RALEIGH LLC,	
Defendant.	<i>)</i>)

On February 2, 2024, Milton E. Washington ("Washington" or "plaintiff"), filed a <u>pro se</u> complaint [D.E. 1] and a motion to proceed in forma pauperis [D.E. 2]. On February 7, 2024, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to United States Magistrate Robert B. Jones, Jr. for a Memorandum and Recommendation ("M&R") and for a frivolity review [D.E. 5]. On March 5, 2024, Judge Jones issued an M&R recommending that the court grant the motion to proceed in forma pauperis and allow the case to proceed [D.E. 6].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See id. at 315–16; Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In "order to preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or

recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

No party objected to the M&R; therefore, the court reviews for clear error. See Diamond, 416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See id.

In sum, the court ADOPTS the conclusions in the M&R allowing the case to proceed [D.E. 6] and GRANTS plaintiff's motion to proceed in forma pauperis [D.E. 2]. The clerk is DIRECTED to issue the summons prepared by plaintiff. The U.S. Marshal is DIRECTED to serve the summons and a copy of the complaint on defendant.

SO ORDERED. This 4 day of April, 2024.

JAMES C. DEVER III
United States District Judge